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"The United States is pleased to join consensus, as we did during the 2002 UNGA session, on this resolution addressing the critical subject of missing persons during armed conflict. We deliver this EOP to clarify legal points of importance. First, with regard to OP3, it is our interpretation that the reference to the right to know the fate of missing relatives is based upon Article 32 of Additional Protocol I to the Geneva Conventions of 1949, and that right is binding only on States Parties to Additional Protocol I. Second, we interpret OP4 to mean that States should take reasonable and appropriate measures to search for missing persons. Third, with respect to pp4 and pp6, reference to human rights law during armed conflict by necessity refers only to those provisions, if any, that may be applicable. As may be well known, it is the position of the United States Government that the law of war is the lex specialis governing armed conflict. Thank you Mr. chairperson."

--The United States underscores that the international community should use all available and appropriate international, regional, and domestic judicial mechanisms to attack the problem of crimes against humanity, including widespread or systematic forced disappearances, and to hold accountable those responsible for such crimes.

--Additionally, with respect to OP22, the United States believes that treaty negotiations on human rights instruments should be careful and deliberate, and aimed to achieve the objective of a well-drafted, well-vetted instrument that reflects a genuine consensus.

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: ARCHIE M BOLSTER
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